

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

CHARLES J. BAASCH, JUSTIN LEE
ORSTAD, JAMES M. HOLZ,

Defendants.

4:13CR3115

MEMORANDUM AND ORDER

Defendant Orstad has moved to continue the trial currently set for December 30, 2013. (Filing No. 67). As explained in the motion, the defendant needs additional time to investigate this case and consider his options for resolving the case.. The motion to continue is unopposed. Based on the showing set forth in the motion, the court finds the motion should be granted. Accordingly,

IT IS ORDERED:

- 1) Defendant Orstad's motion to continue, (filing no. 67), is granted.
- 2) **As to all defendants**, the trial of this case is set to commence before the Honorable Richard G. Kopf, Senior United States District Judge, in Courtroom 1, United States Courthouse, Lincoln, Nebraska, at 9:00 a.m. on February 3, 2014, or as soon thereafter as the case may be called, for a duration of ten (10) trial days. Jury selection will be held at commencement of trial.
- 3) Based upon the showing set forth in the defendant Orstad's motion, the representations of counsel, and the pendency of co-defendant Holz pending motions, the Court further finds that the ends of justice will be served by continuing the trial; and that the purposes served by continuing the trial date in this case outweigh the interest of the defendant and the public in a speedy trial. Accordingly, **as to all defendants**, the additional time arising as a result of the granting of the motion, the time between today's date and February 3, 2014, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because despite counsel's due diligence, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1), (h)(6) & (h)(7).

December 10, 2013.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge